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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **JEANNIE FREDERICKSON,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **NCO FINANCIAL SYSTEMS, INC.,**)
18)
19 Defendant.)
20)
21)
22)

23 **I. INTRODUCTION**

24 1. This is an action for damages brought by an individual consumer for
25 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et*
26 *seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive,
27 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy
28 ancillary to Defendant's collection efforts.

29 **II. JURISDICTION**

30 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

31 **III. PARTIES**

32 3. Plaintiff, Jeannie Fredrickson, is a natural person residing in Maricopa
33 County.

1 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3).

2 5. Defendant, NCO Financial Systems, Inc., is a corporation engaged in the
3 business of collecting debts by use of the mails and telephone, and Defendant regularly
4 attempts to collect debts alleged to be due another.
5

6 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §
7 1692a(6).
8

9 **IV. FACTUAL ALLEGATIONS**

10 7. At various and multiple times prior to the filing of the instant complaint,
11 including within the one hundred twenty days preceding the filing of this complaint,
12 Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt.
13 Defendant’s conduct violated the FDCPA in multiple ways, including but not limited to:
14

15 a) Causing Plaintiff’s phone to ring with intent to harass, abuse or
16 annoy (§ 1692d(5));

17 b) Failing to provide meaningful identification when communicating
18 with Plaintiff, including failure by caller to give any personal name
19 (§ 1692d(6));

20 c) Using abusive language the natural consequence of which is to
21 harass, annoy or abuse Plaintiff, including telling Plaintiff that the
22 Defendant can "make her life miserable" (§ 1692(d)).

23 8. Defendant’s aforementioned violations of the FDCPA also constitute an
24 invasion of Plaintiff’s right to privacy, causing injury to Plaintiff’s feelings, mental
25 anguish and distress.

26 9. Defendant’s aforementioned violations of the FDCPA also constitute an
27 intentional intrusion into Plaintiff’s private places and into private matters of Plaintiff’s
28

1 life, conducted in a manner highly offensive to a reasonable person. With respect to
2 these activities of Defendant, Plaintiff had a subjective expectation of privacy that was
3 objectively reasonable under the circumstances.
4

5 **COUNT I: VIOLATION OF FAIR DEBT**
6 **COLLECTION PRACTICES ACT**

7 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
8

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
11 Defendant for the following:

- 12 A. Declaratory judgment that Defendant's conduct
13 violated the FDCPA;
14 B. Actual damages;
15 C. Statutory damages;
16 D. Costs and reasonable attorney's fees; and,
17 E. For such other and further relief as may be just and proper.
18

19 **COUNT II: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

20 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
21

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the
24 Defendant for the following:

- 25 A. Actual damages
26 B. Punitive Damages; and,
27 C. For such other and further relief as may be just and proper.
28

PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY

Respectfully submitted this 7th day of May, 2008.

By: s/ Marshall Meyers

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